


# EXHIBIT A

From: **Hyland, Mark J.** [hyland@sewkis.com](mailto:hyland@sewkis.com)   
Subject: Fairholme Interrogatory Responses  
Date: March 6, 2018 at 5:13 PM  
To: Miriam Tauber [miriamtauberlaw@gmail.com](mailto:miriamtauberlaw@gmail.com)  
Cc: David Lopez [DavidLopezEsq@aol.com](mailto:DavidLopezEsq@aol.com), Czarny, Noah [czarny@sewkis.com](mailto:czarny@sewkis.com)

MH

Responses attached.

**Mark J. Hyland**  
*Partner*

Tel: (212) 574-1541  
Email: [hyland@sewkis.com](mailto:hyland@sewkis.com)  
**ESTABLISHED 1890**

**SEWARD & KISSEL LLP**

One Battery Park Plaza  
New York, NY 10004  
Fax: (212) 480-8421  
Web: [www.sewkis.com](http://www.sewkis.com)

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Fairholme  
Interro...ses.pdf

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AARON RUBENSTEIN,

Plaintiff,

v.

BRUCE R. BERKOWITZ, and FAIRHOLME  
CAPITAL MANAGEMENT, LLC, and JOHN  
DOES 1 THROUGH 13,

Defendants,

and

SEARS HOLDINGS CORP.,

Nominal Defendant.

No. 17-cv-821 (JPO)

**DEFENDANTS BRUCE R. BERKOWITZ AND FAIRHOLME CAPITAL  
MANAGEMENT, LLC'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST  
SET OF INTERROGATORIES**

Defendants Bruce R. Berkowitz and Fairholme Capital Management LLC  
(together, the "Fairholme Defendants") through their counsel, Seward & Kissel LLP, hereby  
respond to Plaintiff's First Set of Interrogatories.

**RESPONSE TO INTERROGATORIES**

**INTERROGATORY NO. 1**

The Fairholme Defendants object to this Interrogatory to the extent that it contains  
erroneous or contentious factual allegations or legal assertions. The Fairholme Defendants'  
answer is not intended to be, and shall not be construed as, an agreement or concurrence with  
Plaintiff's allegations, assertions, or characterization of any fact or circumstance in the  
Interrogatory or in the paragraphs of the First Amended Complaint (Dkt No. 26) referenced  
therein. By responding to the Interrogatory, the Fairholme Defendants do not admit or waive

their right to contest such allegations, assertions, or characterizations. The Fairholme Defendants object to Instruction No. 2 to the extent it purports to define the period relevant to the claims in this Action.

Subject to the foregoing and the objections and Plaintiff's letter motion to the Court dated February 6, 2018 (Dkt. No. 34), the Fairholme Defendants state:

- The identity of John Doe 1 (managed account no. [REDACTED]) is Carlos Rodriguez. The account owner's mailing address is [REDACTED] Miami, FL 33129.
- The identity of John Doe 2 (managed account no. [REDACTED]) is John R. Burch. The account owner's mailing address is [REDACTED] Nashville, TN 37205.
- The identity of John Doe 3 (managed account no. [REDACTED]) is Charles Keates. The account owner's mailing address is [REDACTED] Newtown Square, PA 19073.
- The identity of John Doe 4 (managed account no. [REDACTED]) is Heinz Wiezorek. The account owner's mailing address is [REDACTED] Germany.
- The identity of John Doe 5 (managed account no. [REDACTED]) is Charlotte Wiezorek. The account owner's mailing address is [REDACTED] Germany.
- The identity of John Doe 6 (managed account no. [REDACTED]) is Eva Wiezorek. The account owner's mailing address is [REDACTED] Germany.

- The identity of John Doe 7 (managed account no. [REDACTED] is Thomas Brunner. The account owner's mailing address is [REDACTED] Zürich.
- The identity of John Doe 8 (managed account no. [REDACTED] is Gary Atwell and Susan Atwell. The account owners' mailing address is [REDACTED] Wilmington, NC 28405.
- The identity of John Doe 9 (managed account no. [REDACTED] is Larry Souza and Sharon Souza. The account owners' mailing address is [REDACTED] Thousand Oaks, CA 91360.
- The identity of John Doe 10 (managed account no. [REDACTED] is Robert Rubin and Nancy Rubin. The account owners' mailing address is c/o Robert and Nancy Rubin [REDACTED] Avon, MA 02322.
- The identity of John Doe 11 (managed account no. [REDACTED] is Jennifer Coll, trustee of the account. The trustee's mailing address is c/o Jennifer Coll [REDACTED] New York, NY 10014.
- The identity of John Doe 12 (managed account no. [REDACTED] is Jennifer Coll, trustee of the account. The trustee's mailing address is c/o Jennifer Coll [REDACTED] New York, NY 10014.
- The identity of John Doe 13 (managed account no. [REDACTED] is Jennifer Cole. The account owner's mailing address is [REDACTED] New York, NY 10014.

New York, New York  
March 2, 2018

Respectfully submitted,

SEWARD & KISSEL LLP

By:           /s Mark J. Hyland          

Mark J. Hyland

Noah S. Czarny

One Battery Park Plaza

New York, New York 10004

(212) 574-1200

*Attorneys for Defendants Fairholme Capital  
Management, LLC and Bruce R. Berkowitz*


## VERIFICATION

Fernando Font declares pursuant to 28 U.S.C. § 1746:

I am Fernando Font, Chief Administrative Officer of defendant Fairholme Capital Management, LLC ("Fairholme"). I make this verification on behalf of the Fairholme Defendants in my capacity as Chief Administrative Officer of Fairholme.

I have read the foregoing Responses and Objections to Plaintiff's First Set of Interrogatories, and state that the answers (to the extent they convey information relating to Fairholme) have been prepared from my knowledge and by my review of Fairholme's files. The answers are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 2, 2018.

A handwritten signature in black ink, appearing to read "F. Font", is written over a horizontal line.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AARON RUBENSTEIN,

Plaintiff,

v.

BRUCE R. BERKOWITZ, and  
FAIRHOLME CAPITAL MANAGEMENT, L.L.C.,  
and JOHN DOES 1 THROUGH 13,

Defendants,

and

SEARS HOLDINGS CORP.,

Nominal Defendant.

No. 1:17-cv-00821-JPO

ECF CASE

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and Local Rule 33.3, Plaintiff, through his undersigned counsel, hereby requests that Defendants respond to the Interrogatory below by serving responses and any objections on Plaintiff's counsel, by email to: Miriam Tauber (MiriamTauberLaw@gmail.com) and David Lopez (DavidLopezEsq@aol.com), within 14 days of service hereof.

**INSTRUCTIONS**

1. If you do not answer the Interrogatory because of a claim of privilege, set forth the privilege claimed, the facts upon which you rely to support the claim of privilege, and identify all documents for which such privilege is claimed.
2. This Interrogatory calls for responsive information from September 1, 2014 to date.
3. You are to supplement your response to the Interrogatory as required under Rule 26(e) of the Federal Rules of Civil Procedure.



4. The definitions set forth in Local Civil Rule 26.3 of the Southern District of New York are incorporated herein by reference.

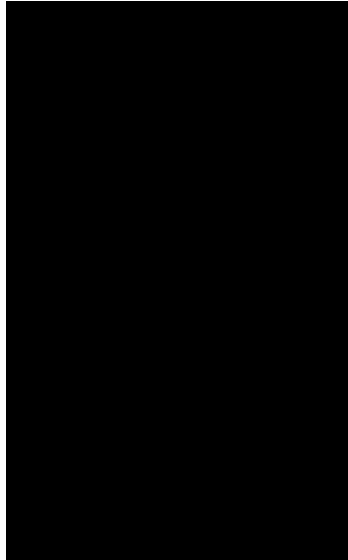
**INTERROGATORY NO. 1**

Identify and provide the addresses of the persons presently named as John Doe Defendants in this action, i.e.: the Fairholme clients and owners of the 13 managed accounts in which short swing profits were realized from the transactions alleged in Paragraphs 37-49 of the First Amended Complaint (Dkt No. 26), and referenced in Paragraph 36 of Defendants' Answer (Dkt. No. 30). The relevant managed accounts are further identified below.

**John Doe No.**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

**Managed Account No.**



Dated: New York, New York  
February 13, 2018

*s/ Miriam Tauber*

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Miriam Tauber  
MIRIAM TAUBER LAW PLLC  
Email: MiriamTauberLaw@gmail.com

*Attorney for Plaintiff Aaron Rubenstein*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 13, 2018, a true copy of the foregoing  
**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS** was served by  
email to:

**Counsel for Defendants**

**Bruce R. Berkowitz and Fairholme Capital Management, L.L.C.**

Mark Joseph Hyland  
Noah Saul Czarny  
SEWARD & KISSEL LLP  
Email: Hyland@SewKis.com  
CZarny@SewKis.com

cc (by email):

**Counsel for Nominal Defendant Sears Holdings Corp.**

Joseph E. Floren  
MORGAN, LEWIS & BOCKIUS LLP  
Email: Joseph.Floren@MorganLewis.com

*s/ Miriam Tauber*

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Miriam Tauber